

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HANNA J. McANDIE,

Plaintiff,

vs.

SEQUIM SCHOOL DISTRICT, ROBERT
CLARK, and his marital community,

Defendants.

No. 3:21-cv-05227-JHC

ORDER ON PLAINTIFF'S MOTIONS *IN*
LIMINE

This matter comes before the Court on Plaintiff's Motions *in Limine* (MILs). Dkt. 141. The Court has considered the materials submitted in support of, and in opposition to, the MILs, as well as the balance of the case file and the applicable law. Regarding the MILs, replies are not allowed, LCR 7(d)(4), and thus the MILs are now fully briefed. Being fully advised, the Court rules as follows:

- 1. Plaintiff's medical and mental health records be excluded.**
- RESERVED.**
- 2. Evidence of Plaintiff's job performance be excluded.**
- RESERVED.**
- 3. Hearsay remarks allegedly made by Plaintiff's pastor be precluded.**

1 **RESERVED.**

2 **4. Character evidence of Plaintiff and other witnesses be excluded.**

3 **RESERVED.**

4 **5. Evidence of administrative claims be excluded.**

5 **RESERVED.**

6 **6. The parties must disclose illustrative and demonstrative exhibits 24 hours before**
7 **use.**

8 **GRANTED.**

9 **7. Witnesses are excluded from court proceedings.**

10 **GRANTED in part. RESERVED as to expert witnesses.**

11 **8. Reports of Forensic Experts are excluded as hearsay and cumulative, redundant**
12 **evidence.**

13 **GRANTED.**

14 **9. Defendants are precluded from referring to their forensic experts' review and**
15 **subsequent reports as "independent."**

16 **RESERVED.**

17 **10. Statements regarding Plaintiff's intended use of judgment awarded is precluded.**

18 **GRANTED.**

19 **11. Impermissible character evidence regarding Plaintiff being "litigious" is**
20 **precluded.**

21 **GRANTED.**

22 **12. References to Plaintiff playing the legal lottery is precluded.**

23 **GRANTED.**

24 **13. Statements regarding when Plaintiff's counsel was hired is precluded.**

25 **GRANTED.**

26 **14. References to attorney's fees is precluded.**

27 **GRANTED.**

1 15. References to amount claimed in tort claim/statement of damages is precluded.
2 **RESERVED.**

3 16. Voice or video recordings, except of deposition excerpts previously approved, of
4 Plaintiff are excluded.

5 **RESERVED.**

6 17. Evidence of Plaintiff's supposed failure to mitigate damages is excluded.
7 **DENIED.**

8 18. Preclude statements of remorse or regret by Defendants' witnesses.
9 **DENIED.**

10 19. Exclude references to Plaintiff not hiring or calling specific experts.
11 **GRANTED.**

12 20. Exclude evidence of medical procedures unrelated to Plaintiff's claims.
13 **RESERVED.**

14 21. Preclude Defendants from arguing the absence of prior similar incidents or
15 conduct.

16 **RESERVED.**

17 22. Preclude Defendants from alluding to an adverse impact on the School District or
18 taxpayers.

19 **GRANTED.**

20 23. Preclude references to Plaintiff's choice not to call witnesses.
21 **GRANTED.**

22 24. Exclude Erin Fox as a testifying witness for Defendants for failure to disclose.
23 **DENIED.**

24 25. Exclude Tricia Stanton as a testifying witness for Defendants for failure to
25 disclose.

26 **DENIED.**

27 26. Plaintiff is permitted to argue deterrence consistent with WLAD.

DENIED.

27. Plaintiff is permitted to refer to the jury as the conscience of the community.

DENIED.

**28. Testimony of Defendants’ “managing agents” or “speaking agents” is admissible
as the testimony of an adverse party.**

RESERVED.

29. Testimony of other employees is admissible to prove hostile work environment.

RESERVED.

30. All witnesses should be identified before voir dire questioning.

GRANTED.

31. Venireperson rehabilitation should be limited.

RESERVED.

DATED this 2nd day of March, 2023.



JOHN H. CHUN
U.S. District Court Judge